IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4063 of 2005

Between:

Smt. S. Anasuryamma W/o. Kancheswara Rao,
R/o. Inupamula Village, Kethepally Mandal, Nalgonda District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Kethepally Mandal, Nalgonda District.
2 The Station House Officer, Kethepalli, Nalgonda District.
3 Kanugu Bakthanjaneyulu S/o. Lachaiah,
R/o. Inupamula Village, Kethepalli Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the official respondents in not taking any action against the 3rd respondent pursuant to the complaint dt. 15-2-2005 as arbitrary, illegal, unjust and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Respondent No.1 herein to forthwith conduct a survey and to fix the boundaries so as to enable the petitioner to protect his patta land.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioner claims to be the absolute owner and possessor of the land admeasuring Ac.0.19 guntas situated in Sy.No.473/A, 473/AA, 473, 473/L of Inupamula Revenue Village, Kethepally Mandal, Nalgonda District.

It is alleged by the petitioner that the third respondent herein having encroached into his land, has been attempting to dig a bore well. Complaining about the high handed action of the third respondent and particularly since he is attempting to dig a bore well without obtaining any permission, as required under the A.P. Water, Land and Trees Act, 2002, (for short 'the Act') the petitioner made a complaint before the first respondent on
15-02-2005 requesting to take appropriate action against the third respondent. However, the first respondent has failed to take any action on his complaint and no orders have been passed so far. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 and 2, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Mandal Revenue officer, to consider the representation made by the petitioner dated 15-2-2005 and pass appropriate orders in accordance with law in terms of the provisions prescribed under the Act, after

affording due opportunity to the third respondent, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 03-03-2005

Note: Furnish C.C. in Two days.

B/o.

LSK

ASSISTANT REGISRAR

To

1 The Mandal Revenue Officer, Kethepally Mandal, Nalgonda District.
2 The Station House Officer, Kethepalli, Nalgonda District.
3 Two C.C.s to the G.P. for Revenue, High Court Buildings, Hyderabad.(O.U.T.)

4 Two C.D. copies.